



### POLICY 608 – INFORMANTS / SOURCES OF INFORMATION

To protect the integrity of the Orange County Sheriff's Department and its Members using Informants and Sources of Information (SOI), the Department collaborated with the Orange County District Attorney's Office and the California Department of Justice to update Policy 608. In some instances, a successful investigation cannot be conducted without the proper use of Informants and SOIs.

Informants do not belong to an individual deputy or investigator, but they are agents of the Department and act on its behalf. In a custodial setting, SOIs are not agents of the Department and are not considered Informants. Both require proper legal and ethical standards to limit civil liability to the Department and the Informant/SOI's handler.

#### 608.1.1 DEFINITIONS

**Informant:** An Informant is any person who knowingly provides information to law enforcement related to another's criminal activity, whose motivations for doing so are other than that of an uninvolved witness, victim, or private citizen primarily acting through a sense of civic responsibility and may expect some form of benefit or advantage for himself, herself, or another person in return.

**Source of Information (SOI):** A Source of Information (SOI) is an inmate who provides information to law enforcement regarding criminal activity, or any non-criminal activity related to jail security; but has not been directed to do so by law enforcement, and upon providing such information, the inmate has not requested or been offered, nor received any benefit or consideration in return for the information. An SOI is not an Informant, a victim, or a potential suspect.

**Informant Consideration and Benefits:** A benefit includes any consideration or advantage an Informant was offered, promised, or received in exchange for information or testimony provided. It includes a benefit for the Informant or a benefit for another person at the Informant's request.

#### 608.2.2 SOURCE OF INFORMATION

When an inmate is a potential SOI, the following protocols shall be followed:

Every instance in which a deputy is contacted by a potential SOI, the following admonishment (on the right) shall be read and:

1. The deputy shall document on an intra-departmental memo the admonishment was given and the inmate's response. All information provided by the SOI and the outcome of any action taken shall be included in the memo and addressed to the CIU Sergeant. This memo will be kept in the SOIs file. The Memorandum does not absolve the Member of their responsibilities to document the incident on the appropriate report.
2. If the potential SOI agrees to voluntarily disclose information to the deputy without a benefit or consideration in return, then the deputy will debrief the inmate and preliminarily vet the information. If the information appears credible and the deputy wishes to act upon the information, they shall notify their immediate supervisor and the CIU Sergeant. The CIU Sergeant will begin the SOI documentation and approval process.

#### SOI Admonishment Card

Your disclosure of any information to me is voluntary and completely of your own free will.

You will not receive leniency as it pertains to your prior, current, or future cases.

You will not receive any special privileges or compensation.

Do you understand what I have read to you?

Do you still want to talk to me?



# ORANGE COUNTY SHERIFF'S DEPARTMENT



## S.A.F.E. Division

### **608.5 GUIDELINES FOR HANDLING INFORMANTS**

No personnel assigned to Custody Operations shall handle informants.

### **608.6 INFORMANT CONSIDERATION AND BENEFITS**

Any and all benefits and consideration given to an Informant will be recorded and documented in the Informant's file. Consideration and benefits include, but are not limited to, the following:

1. Financial – Monetary payments of any kind including, but not limited to, room and board, payment of debts, cash, meals, use of vehicles, cell phone bills or other Informant expenses.
2. Release from custody – Leniency in an arrest or booking, assistance with an own-recognition (OR) release or request for a lowering of bail.
3. Charging leniency – Leniency shown in the filing of charges and enhancements, including the non-filing of charges.
4. Delay – Continuances in arraignment, pre-trial motions and sentencing.
5. Disposition – Dismissal or reduction in charges, custody time, probation terms or favorable input by a deputy district attorney or investigation deputy/investigator made directly to the court.
6. Favorable intervention – Favorable action taken on behalf of the Informant with other governmental agencies, such as the Department of Motor Vehicles, the Department of Homeland Security, or employers.
7. In custody – A change in housing location, non-collect phone calls, extended visits, extra jail issue, extra food or placing money in an Informant's jail account.
8. Immunity.

### **608.9 IN-CUSTODY INFORMANT - SCREENING**

When a deputy has contact with an inmate who expresses a desire to be an Informant, the following protocols shall be followed:

- a) Refer the inmate's request/information to the Custody Intelligence Unit (CIU). The CIU Sergeant will evaluate the request based on safety, security and the credibility of the information to be provided. The Criminal Investigations Bureau Captain will consult with the Investigations Division Commander and Executive Command. The Sheriff must approve the decision to utilize an Informant within the jail prior to the use of an Informant. In the event the Sheriff is unavailable, and approval is immediately required due to an exigent situation, then the Undersheriff may approve the use of the Informant. In that case, the Undersheriff must notify the Sheriff at the earliest possible opportunity.

*This bulletin is only intended as a summary and is not the complete policy. Please review the policy in its entirety in the Policy Manual and consult with your immediate supervisor if you have any questions.*

